

REMARKS

Entry of this amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 2-5 are pending and stand rejected. Claim 1 has been amended. Claims 7 and 8 are new.

The Office Action states that "[a]pplicant desires to claim the benefit of a prior-filed application (PCT/IB03/06043) a specific reference to the prior-filed application ... must be included in the first sentence of the specification."

Applicant thanks the Examiner for his observation and has amended the specification to include the reference to the prior filed patent application. No new matter has been added. Support for the amendment may be found in the Declaration concurrently filed with the instant application. The Declaration clearly records that benefit of the earlier filing dates of the international and the GB patent applications were desired by the applicant at the time of filing of the instant application in the US Patent and Trademark Office. A copy of the first page of the Declaration is attached hereto for the convenience of the Examiner.

Applicant respectfully requests that the amendment to the specification be entered and the benefit of the earlier filing date be acknowledged.

The specification is further objected-to for failing to include section headings.

Applicant respectfully submits that 37 CFR §1.77(b) discloses a *suggested* format for the arrangement of the disclosure. Applicant respectfully submits that the present disclosure follows the suggested format where applicable. With regard to 37 CFR§1.77(c), which was not cited in the Office Action, Applicant respectfully submits that section headings are suggested but not required, as 37 CFR §1.77(c) clearly states the sections defined in paragraphs (b) (1) through (b) (11) "should" be preceded by a section heading. Applicant respectfully declines to amend the disclosure to include the suggested headings at this time.

Claims 2-5 stand rejected under 35 USC 102(e) as being anticipated by Brown (US 2003/0195808) or Nimura (US 2004/190715).

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims. However, in the interest of advancing the prosecution of this matter, the independent claims have been amended to more clearly state the invention. More specifically, the independent claims have been amended to recite that the GPS receiver is provided a variable encryption key for encrypting received GPS data and a decryption key comparable to the provided encryption key is used to decrypt the encrypted data. No new matter has been added. Support for the amendment may be found at least on page 3, line 28 - page 4, line 4.

Brown teaches a retail product disbursement system. Brown discloses that an encrypted location transmission of a user is received (block 154, fig. 4). However, Brown is silent with regard to the method of encrypting the location or that the GPS receiver is provided the encryption key.

Nimura teaches a file management system wherein a file may be saved using a location as an encryption key and that the file may be decrypted when the file is in the location used as the encryption key. However, Nimura is silent with regard to providing an encryption key to a GPS receiver to encrypt GPS data and a decryption key comparable to the provided encryption key to decrypt the encrypted GPS data. Rather, Nimura teaches that the received location data is used as the encryption key.

It is well recognized that to constitute a rejection pursuant to 35 USC §102, i.e., anticipation, all material elements recited in a claim must be found in one unit of prior art.

Neither Brown nor Nimura can be said to anticipate the present invention, because each references fails to disclose each and every element recited. As shown, neither Brown nor Nimura discloses providing an encryption key for encrypting GPS data to the GPS receiver.

At least for this reason, applicant submits that the rejection of claim 1 has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

With regard to the remaining independent claims, these claims recite subject matter similar to that recited in claim 1 and were rejected for the same reason used in rejecting claim 1. Thus, for the remarks made in response to the rejection of claim 1, which are also applicable in response, and reasserted, as if in full, herein, applicant submits that the reason for rejecting these claims have been overcome and the rejection can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

Claims 2-5 stand rejected under 35 USC 102(b) as being anticipated by Murphy (USP no. 6,317,500).

Applicant respectfully disagrees with and explicitly transverse the reason for rejecting the claims.

Murphy discloses a method and apparatus for location-sensitive decryption of a received encrypted signal wherein encrypted received signals are successfully decrypted when the receiver is within a known distance from of an authorized receiving location.

Murphy, however, is silent with providing an encryption key to a receiver for encrypting received data and using a decryption key comparable to the provided encryption key to decrypt the encrypted data

For the same arguments made with regard to the Brown and Nimura, Murphy fails to anticipate the invention recited in claims 2-5.

For at least this reason, applicant submits that the reason for the rejection of the claims has been overcome and respectfully requests that the rejection be withdrawn.



For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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(Signature and Date)